

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and following remarks, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 5-8, 10 and 11 are pending in this application and are rejected in the Office Action mailed July 11, 2006. Claims 1-4 and 9 were canceled in a previous Amendment. By this Amendment, claim 5 is amended as detailed above. It is believed that no new subject matter is added as a result of the amendments to claim 5.

Initially, Applicants' attorneys would like to alert the Examiner that the Attorney Docket No. for the instant application has been changed from 400004-2022 to 592050-2022 and respectfully request correction of the USPTO files accordingly.

II. THE CLAIM REJECTIONS UNDER 35 U.S.C. § 112

In paragraph 2 of the Office Action, claims 5-8, 10 and 11 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner asserts that the application does not appear to disclose "substantially parallel opened at the lower end partitions" or "receiving pockets being formed by a pair of spaced partitions arranged between two adjacent receiving pockets below said partitions."

In addition, in paragraph 4 of the Office Action, claims 5-8, 10 and 11 are rejected under § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. In paragraph 5, the Examiner states that claim 5 recites "substantially parallel opened at the lower end partitions" and asserts that it is not clear how a "partition" can have an open lower end. In addition, in paragraph 6, the Examiner

states that claim 5 recites “receiving pockets being formed by a pair of spaced partitions arranged between two adjacent receiving pockets below said partitions and asserts that it is not clear that the “partitions” are all the same element or different elements. Lastly, the Examiner asserts that it is not clear that a receiving pocket can be placed between two other receiving pockets, which are “adjacent” to one another.

The rejections are traversed for at least the following reasons.

As detailed above, independent claim 5 has been revised to recite that the instant invention is directed to a magazine-like carrier device for handling and heat treating a plurality of rectangular bags or film packs comprising, *inter alia*, “a plurality of successively arranged, substantially parallel partitions to receive one of said film bags or film packs, said plurality of partitions forming a plurality of receiving pockets at a lower end of the device, said partitions separating each receiving pocket from two adjacent receiving pockets.”

As disclosed in the instant application, Figure 1 depicts the instant invention which comprises “fitted in parallel several rectangular partitions 3 that in each case form receiving pockets 4 between them.” *Instant Application*, page 4, lines 6-9. The instant specification further states that the spacing of two partitions forms a receiving pocket such that it is possible to receive a single film pack. *See id.* at page 4, lines 9-11.

Consequently, in view of the above claim amendments and the disclosure in the instant specification, Applicants’ attorneys respectfully submit that the instant claims satisfy the requirements of § 112 and respectfully request that the § 112 rejections be withdrawn.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants’ undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner

specifically indicate those portions of the respective reference providing the basis for a contrary view.

CONCLUSION

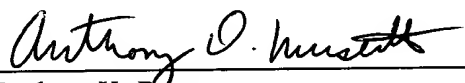
In view of the foregoing, Applicants believe that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

A Notice of Allowance is earnestly solicited.

Respectfully submitted,
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